

Pittsburg Unified School District  
Richmond Unified School District  
San Ramon Unified School District  
Parent Teachers' Association (PTA)  
California Teachers' Association  
Association of California School Administrators  
Pittsburg Community Organizing Committee  
NAACP Racial Intolerance Task Force  
Black Families Association  
Hispanic Roundtable  
GLAD (a gay/lesbian organization)  
Japanese American Citizens League  
Asian Law Caucus  
Center for New Americans  
Filipino-American Association  
Churches and Synagogues  
Self Esteem Task Force  
Crisis Hotline  
Housing Alliance  
Contra Costa Conflict Resolution Panels

Three committees (Criminal Justice, Education, Community) were charged with drafting appropriate models for preventing and responding to hate violence in Contra Costa County, and a steering committee, composed of representatives from each working committee, is responsible for molding the separate models into an integrated county system. The Committees are staffed by the Contra Costa

## County Human Relations Commission.

The design phase of the project is completed. It consists of:

- Policies, procedures and training for police response to hate crimes;
- Policies and procedures for the prosecution of hate crimes by the District Attorney.<sup>1</sup>
- Policies and guidelines for K-12 school responses to bias-related incidents;<sup>2</sup>
- Curriculum development to integrate appreciation of diverse peoples and violence prevention in appropriate subject areas;<sup>3</sup>
- Information sharing on school programs designed to prevent and respond to bias-related incidents;
- Training curriculum designed to enable neighborhood watch programs, religious institutions, and community organizations to provide assistance to victims of hate violence;
- an outreach plan to facilitate "living room" discussions among diverse people to break down stereotypes through open communication.
- A conflict resolution project to train community leaders to assess, intervene in and resolve disputes that might lead to hate violence.<sup>4</sup>

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<sup>1</sup>These procedures have been implemented and are operational.

<sup>2</sup> A 1989 bill introduced by Senator Torres of Los Angeles drafted in consultation with the Hate Violence Reduction Task Force to require all K-12 schools in California to have policies and guidelines similar to those adopted in Contra Costa County passed the Legislature but was vetoed.

<sup>3</sup> The Education Committee is working with curriculum directors from school districts in Contra Costa County to integrate appropriate curricula into frameworks for History-Social Science, English and Performing Arts.

<sup>4</sup>The Contra Costa County Human Relations Commission has been awarded a portion of county court filing fees to serve as the central referral center for dispute resolution programs in the county and to train community leaders to assess community tensions, and to intervene in and resolve disputes that have the potential

GOALS AND OBJECTIVES

GOAL: TO IMPLEMENT PLANS FOR A MODEL COUNTY SYSTEM TO PREVENT AND RESPOND TO BIGOTRY.

OBJECTIVES:

1. To provide training to law enforcement agencies to ensure that they will appropriately implement hate crime response policies and protocols.
2. To ensure that each school within the County utilizes curriculum designed to promote appreciation for diversity and to prevent bias-related conflict.<sup>5</sup>
3. To implement guidelines for responding to bias-related incidents in three selected K-12 school districts representing urban, suburban and rural areas in Contra Costa County.
4. To provide ongoing information to teachers and school administrators about programs that promote appreciation for diversity and help to prevent bias-related incidents in the school.
5. To train 30 agencies consisting of neighborhood watch programs, religious institutions and relevant community agencies to:
  - a. maintain a network of staff and volunteers to provide emergency counseling and support to victims of bias-related incidents;
  - b. calm community tensions, resolve conflicts, and control rumors;<sup>6</sup>
  - c. respond to incidents of harassment and intimidation motivated by bigotry that are referred by law enforcement because they lack the necessary elements of a "crime".

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to lead to hate violence.

<sup>5</sup> This objective is being implemented by the Chair of the Education Committee of the Hate Violence Reduction Task Force in cooperation with curriculum directors of all school districts in Contra Costa County.

<sup>6</sup> The Contra Costa County Human Relations Commission has received a grant under Garamendi legislation to train community leaders in the assessment, intervention and resolution of bias-related conflict.

6. To involve a cross-section of 1,000 diverse people in Contra Costa County in "living room" dialogues where they can communicate openly about differences and negative stereotypes can be challenged in a non-confrontational manner.
7. To draft and gain approval of memoranda of understanding delineating policies and protocols for cooperative working relationships among the local, state and federal public and private organizations that will participate in the countywide system for preventing and responding to hate violence.

HATE VIOLENCE REDUCTION CENTER

## PURPOSE:

The Hate Violence Reduction Center serves several purposes:

1. It gathers data on hate violence from community organizations and law enforcement agencies so that an accurate analysis can be made of the:
  - a. types of hate violence are occurring within the county;
  - b. locations where hate violence is occurring;
  - c. frequency of hate violence incidents and trends;
  - d. need for additional strategies and resources.
2. It serves as a catalyst to maintain an ongoing dialogue among criminal justice, education and community agencies to assess needs and develop programs based on analyses of incidents of hate violence.
3. It provides for training of staff of neighborhood watch, religious and community organizations to provide assistance to victims of hate violence and monitors the provision of the services.
4. It serves as a central referral center for victims of hate violence.

## STRUCTURE

The Hate Violence Reduction Task Force, made up of three committees (criminal justice, education and community) serves as the assessment, planning and program development board to the Center. The County Human Relations Commission serves as the office of record.

## PROCEDURES -

Referral Source

Victim (When the victim reports directly to the Center)

1. A report of the incident is taken and the details entered into a database for statistical analysis.
2. When a crime is involved the Center will encourage the victim to notify the appropriate law enforcement agency.
3. The Center may provide direct victim assistance through the auspices of the County Human Relations Commission or refer the victim to an appropriate victim assistance project and follow up to ensure that the victim receives needed services.

Criminal Justice

1. Hate Violence Crime Reports or Summaries received from local police departments:
  - a. Will be coded for type of hate crime, location and date and entered into database;
  - b. When victim assistance appears to be needed, staff will call the law enforcement agency to inquire whether a referral was appropriate and whether one was made;
    - 1) if a referral was made staff will confirm the that services were rendered;
    - 2) if a referral is needed staff will refer the victim to an appropriate agency and confirm the provision of services.
  - c. If the need for public response to a report becomes apparent because of the nature of the incident or because of community or media attention, Center staff will discuss appropriate responses with the Police Chief, Sheriff or their designee and confer on how media inquiries will be addressed.
2. Quarterly summaries of data on hate crimes from all sources will be submitted to all law enforcement agencies within the county and to the California Department of Justice.

3. The Hate Violence Reduction Task Force will analyze the data identify particular areas needing attention and confer with appropriate law enforcement agencies, schools, and community groups to design and implement strategies to meet the identified needs.

#### Education

1. Bias-related incident reports received from school districts in Contra Costa County:
  - a. will be coded for type of incident, school and date and entered into a database;
  - b. when victim assistance appears to be needed, the school will be called to inquire whether a referral was appropriate and whether one was made or needed;
    - 1) if a referral was made staff will confirm that services were rendered;
    - 2) if a referral is needed staff will refer the victim to an appropriate agency.
  - c. if, the need for public response to a report becomes apparent because of the nature of the incident, or because of community or media attention, Center staff will meet with the Principal, School Superintendent or their designee to confer on appropriate responses, and to discuss how media inquiries will be addressed.
2. Quarterly summaries of data on bias-related incidents received from schools will be submitted to the Contra Costa County Superintendents' Association and the Contra Costa County Office of Schools.
3. The Hate Violence Reduction Task Force will analyze the data identify particular areas needing attention and work with appropriate school districts, law enforcement agencies and community groups to design and develop programs to meet the identified needs.

#### Community

1. Bias-related incident and hate crime reports will be received from community organizations including religious organizations and neighborhood watch programs:
  - a. If it appears that a crime may have been committed the Center will contact the reporting agency to determine if law enforcement has been contacted and

- if not, whether the victim can be contacted to encourage the filing of a report;
  - b. Reports will be coded for type of bias-related incident or hate crime, location and date, and entered into database;
  - c. When victim assistance appears to be needed, the agency will be called to inquire whether appropriate service was provided or if additional assistance is needed;
    - 1) if a referral was made to another agency staff will confirm that services were provided;
    - 2) if a referral is needed staff will refer the victim to an appropriate agency;
    - 3) Center staff will provide technical assistance and consultation to victim assistance providers.
  - d. if, the need for public response to a report becomes apparent because of the nature of the incident or because of community or media attention, Center staff will meet with the community agency to confer on appropriate responses and to discuss how media inquiries will be addressed.
2. The Hate Violence Reduction Center will provide for training community agencies to render assistance to victims of hate violence, and coordinate and monitor hate violence victim assistance efforts within the County. Data relating to the type of victim assistance provided will be reported to the Center by service providers and summarized in quarterly reports.
  3. Quarterly summaries of data on bias related incidents and the provision of victim assistance will be submitted to the Board of Supervisors and appropriate agencies.
  4. The Hate Violence Reduction Task Force will analyze the data, identify particular areas needing attention, and work with appropriate law enforcement agencies, schools and community groups to design and implement strategies to meet the identified needs.



CRIMINAL JUSTICE COMPONENTObjective

To provide training to law enforcement agencies to ensure that they will appropriately implement hate crime response policies and protocols.

Steps

1. Meet with the District Attorney to develop and implement guidelines for the prosecution of hate crimes.<sup>7</sup>
2. Produce police hate crime response training films that provide information on; how to distinguish hate crimes from other types of crime, how to report it, and the response protocol for officers at the scene and support personnel after the incident is reported.
  - a. A subcommittee of the Hate Violence Reduction Task Force will script a police training film that demonstrates how supervisory and line police officers should respond to hate crimes in accord with the procedures adopted by the Contra Costa County Police Chiefs' Association.
  - b. The subcommittee will review and select appropriate footage from newstapes provided by KRON-TV (The NBC channel in the San Francisco Bay Area) and local law enforcement agencies of bias-related incidents occurring within the county to demonstrate the relevance and importance of specific procedures for responding to hate crimes.
  - c. Comments by the sheriff or police chief will be appended to the film provided each agency .

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<sup>7</sup> This step has already been taken. See Attachment for a copy of the District Attorney procedures. These procedures are considered a model for the State of California, and the California Department of Justice has designated the Contra Costa County District Attorney as the primary resource referral for district attorneys seeking information on establishing systems to process hate crimes.

- d. Police Academy film editors will create a training film for each police agency in the county. The film will consist of a 2 minute trailer by the chief law enforcement executive, illustrations of the impact of hate violence using actual footage of incidents occurring in the county, and a combination of actual and simulated scenes to demonstrate how hate crimes should be handled by law enforcement agencies.
3. Prepare written tests to law enforcement personnel to ensure that they have the necessary knowledge to identify and respond appropriately to hate crimes.
4. Work with each police department to ensure that the film is shown to all personnel and that the test is taken and scored to ensure that personnel are familiar with the policies and procedures for responding to hate crimes.

CRIMINAL JUSTICE POLICIES AND PROTOCOL<sup>8</sup>HATE CRIME DEFINITION <sup>9</sup>

A reportable crime is any act or attempted act to cause physical injury, emotional suffering, or property damage which is or appears to be motivated, all or in part, by race, ethnicity, religion and sexual orientation.

Motivation - Incentive, inducement, desire, emotion, or similar impulse resulting in some type of action.

Race- Any group or class of individuals with common characteristics distinguished by form of hair, color of skin and eyes, stature, bodily proportions, etc. that are genetically transmitted to classify it as a distinct human type.

Ethnic Group - Any group or class of individuals within a culture or social system that can be distinguished on the basis of various traits including nationality, religion, linguistics, ancestry, traditions, attire, etc.

Religion - A personal awareness or conviction of the existence of a supreme being, supernatural powers, or influences controlling one's own humanity or all nature's destiny.

Sexual Orientation - The direction of sexual, emotional, and/or physical attraction which may be primarily towards persons of the same sex (homosexuality), persons of the opposite sex (heterosexuality) or toward both in some proportion (bisexuality).

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<sup>8</sup> These policies and protocols were adopted by the Contra Costa County Police Chiefs' Association for inclusion in each of their jurisdictions.

<sup>9</sup> This definition was drafted by the California Department of Justice, Bureau of Criminal Justice Statistics.

## GUIDELINES TO IDENTIFY REPORTABLE CRIMES

The following criteria should be used in determining whether a crime was motivated, all or in part, by race, ethnicity, religion and sexual orientation. The criteria which should be applied are not all inclusive but provide a general guideline for consistent identification of such crimes.

1. The presence of symbols, words, or acts which are, or may be, offensive to a specific race, ethnic group, religious group, or persons with differing sexual orientation (swastika, cross burning, "nigger", "queer", etc.)
2. Statements or actions of the victim(s), suspect(s), and other involved parties.
3. Prior history of similar crimes in same area or against the same victim group.
4. Whether community organizations, leaders or a number of residents perceive or claim the crime to be motivated by bias against an individual or group's race, ethnicity, religion or sexual orientation.

Questions to consider when identifying crimes motivated, all or in part, by race, ethnicity, religion and sexual orientation:

1. Did the crime occur all or in part because of racial, ethnic, religious, or sexual differences between the persons or for other reasons?
2. Has the victim or victim's group been subjected to repeated attacks of a similar nature?
3. Is the victim the only minority group member in the neighborhood or one of a few?
4. Did the victim recently move into the area; is the victim acquainted with neighbors and/or local community groups?
5. When multiple incidents occur at the same time, are all victims of the same race, ethnicity, religion or sexual orientation?

6. Has the victim been associated with recent or past activities relating to his/her race, ethnicity, religion, or sexual orientation? (e.g. gay rallies, demonstrations, holiday celebrations, conferences, religious meetings, etc.)
7. Has there been prior/recent news coverage of events of a similar nature?
8. What was the manner and means of attack (e.g. color of paint, manner of spelling words, symbols or signs used, etc.)?
9. Is there an ongoing neighborhood problem that may have initiated or contributed to the act (e.g. could the act be retribution for some conflict with neighbors, juveniles, etc.)?
10. Does the crime indicate possible involvement by an organized group? For example:
  - a. Is the literature printed?
  - b. Does the name signify a "copy-cat" syndrome?
  - c. Is there documented or suspected organized group activity in the area?
  - d. Was this group "involved" in a true sense, or as a fear or scare tactic?
11. Does the party(s) responsible have an understanding of the impact of the crime on the victim and other group members?

POLICY <sup>10</sup>

It is the policy of this Department to ensure that all rights guaranteed by State laws and the United States Constitution are protected for all people regardless of their race, color, ethnic background, religion or sexual orientation. When such rights are infringed upon by violence, intimidation, or other harassment, the Department shall take all appropriate steps to identify responsables of criminal offenses, arrest them and assist in their vigorous prosecution.

All criminal offenses of violence, intimidation or harassment based on racial, religious, ethnic background, or sexual orientation shall be viewed as serious, and an investigation shall be considered high priority as such acts tend to generate fear and concern among victims and the public. They have a potential for recurrence and escalating to the point of counterviolence.<sup>11</sup>

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<sup>10</sup> This policy is derived from the report prepared by the National Organization of Black Law Enforcement Executives under the auspices of the United States Department of Justice.

<sup>11</sup> Departments, at their option, may wish to develop a policy for dealing with reports of incidents that may not be chargeable as a crime, but are likely to have similar impact on the victim(s) and members of the victim(s) group.

Concord Police Department's policy on racial, religious, ethnic and sexual orientation complaints contains the following provision:

All reported incidents that are non-criminal that were motivated all or in part by race, ethnicity, religion and/or sexual orientation shall be documented by a police report. An administrative follow-up and disposition will be made on appropriate incidents by the Community Relations Unit.

REPORTING <sup>12</sup>

The goal of reporting "hate crime" is to depict the nature and volume of criminal activity within a given geographical area. In order to achieve the goal the data collected must be accurate, consistent and complete.

Determining the motivation of a crime is difficult. Officers may be called upon to make a subjective determination using whatever information the victim or crime scene can provide. Even an experienced crime analyst may not be able to clarify the motivation in all cases. Every officer may not become an expert in hate crime identification, but their degree of expertise can be increased through training.

Officers may feel that the data will not help the police department but will be used against it, or that their time is better used doing other activities. To counter this attitude, training should not only focus on the technical aspects of reporting, but should also include the purpose and benefits of reporting.

Existing police reports can be used for reporting hate crimes, but a box or part of the report should be designated for officers to put in a code letter or symbol indicating whether or not the

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<sup>12</sup> The discussion of issues pertaining to reporting is derived from a document prepared by the California Department of Justice Bureau of Criminal Justice Statistics as part of a legislatively mandated study.

crime should be considered a "hate crime". Since reports may vary slightly from agency to agency, each department should choose their own space and symbol for the entry. Many departments have chosen to use the letter "R" to signify a hate crime. The Criminal Justice Committee recommends that departments consider utilizing a forced entry requiring officers to enter some symbol in the designated space to indicate whether or not a hate crime was committed, e.g. R = hate crime, NR = not a hate crime.

Officers should be trained to include information within the narrative of the report to indicate why a crime is classified as a "hate crime" when they classify it as such.



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RESPONSE PROTOCOL <sup>13</sup>

The Criminal Justice Committee recognizes that there is wide variance in departmental resources among the law enforcement agencies within Contra Costa County and has opted to identify the minimal response elements that should be adopted by each law enforcement agency within Contra Costa County. Each department should review their existing policy (when appropriate) to ensure that the minimal elements are included within it. Departments who have no policy or who want to review their personnel assignments relative to responding to "hate crimes" should review the models for large and small departments provided by the Hate Violence Reduction Task Force.

RESPONSE PRIORITY

All hate crimes are priority calls and shall require dispatch of an officer to the scene. In the event the complainant specifically requests that an officer not respond, the Department shall follow up with the complainant for details of the report, or to make referrals.<sup>14</sup>

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<sup>13</sup> This protocol is adapted from the Concord Police Department General Order No. 61.

<sup>14</sup> Concord Police Department dispatches an officer to the scene of incidents that are not considered crimes but may have similar impact on the victim and community. These are treated as "hate incidents" and an officer is sent as soon as practical unless the Watch Commander modifies the priority or type of response.

RESPONSIBILITIES <sup>15</sup>

Each department should have a policy which includes, at a minimum, the following

At the crime scene

Ensure that there are appropriate personnel;

Apprehend the responsible (if applicable);

Protect the crime scene and evidence;

Stabilize the victim

Conduct a preliminary investigation, including a neighborhood survey for witnesses when appropriate;

Reassure the victim that the crime will be treated seriously and refer the victim to appropriate resource agencies;

Collect and process evidence.<sup>16</sup>

Following the initial response

Complete an Offense Report, enter the letter R or other designated symbol in the appropriate space (box) and ensure that the description of the incident includes information indicating why the motivation appears all or in part to be based on differences in race, religion, ethnicity or sexual orientation;

The report of the responding officer is analyzed by a supervisor to make a final determination of the classification of the incident as a "hate crime".

Notify the senior on duty Supervisor (in smaller departments this may be the Chief).

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<sup>15</sup> These are responsibilities which shall be included in each department's policy. Suggested personnel assignments to carry out the responsibilities for large and small law enforcement agencies are available in the United States Department of Justice study contracted to the National Organization of Black Law Enforcement Executives.

<sup>16</sup> This procedure may be modified when a Department has an evidence collection unit.

Provide for increased patrol in the area as appropriate.

Refer cases to the FELONY FILING DESK of the appropriate branch of the District Attorney's Office for prosecution.

Keep the victim informed of the status of the case.

Keep the arresting officer informed of the status of the case;

Reports should be filed with the California Department of Justice and may be provided to the Hate Violence Reduction Task Force for analysis.

Take appropriate steps to prevent the situation from escalating including meeting with concerned community organizations and notifying appropriate agencies.

Ensure that all physical remains of the crime are removed after processing is completed. If the remains are not easily removable (i.e. paint on walls and vehicles), the supervisor shall attempt to notify the appropriate parties of the need for removing the remains and shall report the presence of the remains to the local or county human relations commission director for follow-up.

Identify training needs relative to responding to hate crimes and hate incidents

## TRAINING

**LEARNING GOAL:** The student will be able to identify and respond appropriately to crimes motivated by hatred against the victim's race, ethnicity, religion, or sexual orientation.

LEARNING OBJECTIVES:

1. The student will be able to define a reportable hate crime.
2. When responding to a report of criminal activity the student will be able to identify clues indicating that the incident should be classified as a hate crime.
3. The student will demonstrate the ability to designate a hate crime on the crime report.
4. The student will be able to identify the responding officer's procedural responsibilities at the scene of a suspected hate crime.

Advanced Officers' learning objectives are all of the above and:

5. The student will be able to identify the supervising officer's procedural responsibilities following the initial response.

## OFFICER INFORMATION

Each department will make information available through an appropriate vehicle to assist officers in identifying hate crimes, following the appropriate procedures, and in locating victim assistance resources

SCHOOL COMPONENTK-12 SCHOOL CURRICULUMObjective

To ensure that each school within the County utilizes curriculum designed to promote appreciation for diversity and to prevent bias-related conflict.<sup>17</sup>

Steps

1. The Education Committee will review existing frameworks for History-Social Science, English, and Performing Arts to identify objectives related to the promotion of appreciation for diversity and the prevention of bias-related conflict.
2. The Chair of the Education Committee met with the County School Superintendents' Association and was directed to meet with each district's curriculum director to ensure that the curriculum meets the objectives of promoting appreciation for diversity and the prevention of bias-related conflict.
3. The Education Committee will work with curriculum directors of each district in Contra Costa County to review and, if necessary, set curriculum to promote appreciation for diversity and prevent bias-related conflict.
4. The curricula objectives and plans will be gathered by the Hate Violence Reduction Center and incorporated in the project report.

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<sup>17</sup> This objective is being implemented by the Chair of the Education Committee of the Hate Violence Reduction Task Force in cooperation with curriculum directors of all school districts in Contra Costa County.

GUIDELINES FOR  
RESPONDING TO BIAS-RELATED INCIDENTS  
ON THE SCHOOL CAMPUS

Objective

To implement guidelines for responding to bias-related incidents in three selected K-12 school districts representing urban, suburban and rural areas in Contra Costa County.

Steps

1. Staff to the Hate Violence Reduction Task Force will meet with officials for the Mount Diablo Unified School District, Concord; Richmond Unified School District, Richmond; and the Liberty Union High School District, Brentwood and select appropriate middle and secondary schools for implementing guidelines for responding to bias related incidents.<sup>18</sup>
2. Education Committee members will:
  - a. Meet with district and school site administrators to explain the purpose of the guidelines and the method proposed to gain their implementation;
  - b. Host a series of meeting with site administrators, and certificated and classified personnel to draft protocols for responding to bias-related incidents utilizing the hate violence reduction guidelines as the basis for the plan.
  - c. Meet with district and site administrators to draft a response protocol for coordinating efforts to respond to bias-related incidents.
  - d. Meet with site administrators and local law enforcement, mental health, and other appropriate public agencies groups to draft response protocols.
  - e. Meet with site administrators and the Hate Violence

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<sup>18</sup> This has been accomplished. High schools were selected in the Mount Diablo and Liberty Union High School Districts and a middle school in the Richmond Unified School District.

Reduction Center staff and other hate violence victim support groups to draft response protocols.

- f. Draft a comprehensive plan for response to bias-related incidents on the campus that has the support of district and site administrators.
  - g. Train site administrators and staff to administer and operate the response plan.
- 3. Evaluation and monitoring of the implementation of the guidelines will be conducted by the Hate Violence Reduction Task Force. A report will be prepared for distribution to other school districts to assist in replication of the process.
  - 4. The implementation of the guidelines will be integrated with each school district's staff development efforts to train teachers to work in multi-cultural environments.



GUIDELINES FOR A SCHOOL RESPONSE TO BIAS RELATED INCIDENTS<sup>19</sup>

## DEFINITIONS:

Bias-related incident - any occurrence on the school campus that involves a verbal, written, or physical action that is intended to create emotional suffering, physical harm, or property damage to a pupil because of his or her race, ethnic background, national origin, religious belief, sex, sexual orientation, or physical or mental disability.

Race- Any group or class of individuals with common characteristics distinguished by form of hair, color of skin and eyes, stature, bodily proportions, etc. that are genetically transmitted to classify it as a distinct human type.

Ethnic Group - Any group or class of individuals within a culture or social system that can be distinguished on the basis of various traits including nationality, religion, linguistics, ancestry, traditions, attire, etc.

Religion - A personal awareness or conviction of the existence of a supreme being, supernatural powers, or influences controlling one's own humanity or all nature's destiny.

Sexual Orientation - The direction of sexual, emotional, and/or physical attraction which may be primarily towards persons of the same sex (homosexuality), persons of the opposite sex (heterosexuality) or toward both in some proportion (bisexuality).

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<sup>19</sup> These are the only guidelines known to exist anywhere in the United States. The guidelines have been endorsed by the California Teachers' Association for implementation on a statewide basis and legislation that would mandate guidelines for all school districts in California has been passed by the State Legislature and is awaiting gubernatorial consideration.

Disability - What constitutes a disability in a school setting for purposes of identifying a bias-related incident goes beyond technical and legal definitions in order to identify the need to work with students to increase their appreciation for diversity. For purposes of these guidelines any inherent physical or mental characteristic of an individual can be considered a disability when it is the motivation for adverse treatment by other students.

#### CRITERIA

The following guidelines are adopted to assist schools identify bias-related incidents.

#### Clues to the identification of a bias-related incident

1. The presence of symbols, words, or acts which are, or may be, offensive to a specific race, ethnic group, religious group, or persons with differing sexual orientation (swastika, cross burning, "nigger", "queer", etc.)
2. Statements or actions of the victim(s), perpetrator(s), and other involved parties.
3. Prior history of involvement of the same perpetrators in similar incidents against the same victim group.
4. Pupil, parent or community response to the incident.

## RESPONSE PROTOCOL

Personnel resources among schools varies widely and this protocol lists the minimal response elements that should be adopted by each school. The Task Force recommends that schools consider developing school based conflict resolution programs and integrating their services into the response protocol. Each district and school should designate duties to appropriate staff to ensure that staff responsibilities for responding to bias-related incidents are understood.

## RESPONSE PRIORITY

All reports of bias-related incidents shall require staff response.

## RESPONSIBILITIES AT THE SCENE

- A. Ensure that there are adequate personnel to prevent further activity, if necessary request law enforcement assistance;
- B. Apprehend the responsible (if applicable) and send them to an appropriate area of the school where they can be isolated from further activity and questioned, or when appropriate, referred to conflict resolution services.
- C. Isolate the area until evidence of the incident can be identified;
- D. Provide assistance to the victim(s) if applicable. Reassure the victim and his or her family that the incident will be treated seriously and provide references to victim support agencies;
- E. Conduct a preliminary investigation, including the questioning of witnesses when appropriate;

Instructions For Completing A Bias-Related Incident Report

Ensure that the description of the incident includes information indicating why the motivation appears all or in part to be based on differences in race, religion, ethnicity, sexual orientation or other bias.

The goal of reporting bias-related incidents is to depict the nature and volume of activity. In order to achieve the goal the data collected must be accurate, consistent and complete.

Determining the motivation behind an incident is difficult. Teachers and administrators are called upon to make a subjective guess using whatever information the victim, the perpetrator, or the scene of the incident can provide. Not every administrator or teacher should be expected to become an expert in determining whether an incident is bias-related but their degree of expertise can be increased through training.

Administrators may feel that the data will not help the school or school district but will be used against it, or that their time is better used doing other activities. To counter this attitude, training should not only focus on the technical aspects of reporting, but should also include the purpose and benefits of reporting.

School staff should be trained to include information within the narrative of the report to indicate why an incident is classified as "bias-related."

## Questions to consider in reporting bias-related incidents:

1. Did the incident occur all or in part because of racial, ethnic, religious, or sexual differences between the persons or for other reasons?
2. Has the victim or victim's group been subjected to repeated attacks of a similar nature?
3. Is the victim the only minority group member in the school or one of a few?
4. Did the victim's family recently move into the area; is the victim's family acquainted with neighbors and/or local community groups?
5. When multiple incidents occur at the same time, are all victims of the same race, ethnicity, religion or sexual orientation?
6. Has the victim been associated with recent or past activities relating to his/her race, ethnicity, religion, or sexual orientation? (e.g. holiday celebrations, religious meetings, etc.)
7. Has there been prior/recent news coverage of events of a similar nature?
8. What was the manner and means of attack (e.g. color of paint, manner of spelling words, symbols or signs, etc)
9. Is there an ongoing neighborhood problem that may have contributed to the act (e.g. could the act be retribution for some conflict with other juveniles, etc.)?
10. Does the incident indicate possible involvement by an organized group? For example:
  - a. Is the literature printed?
  - b. Does the name signify a "copy-cat" syndrome?
  - c. Is there documented or suspected organized group activity in the area?
  - d. Was this group "involved" in a true sense, or as a fear or scare tactic?
11. Does the party(s) responsible have an understanding of the impact of their activity on the victim and other group members?

## RESPONSIBILITIES AFTER THE INITIAL RESPONSE

- A. Complete a bias-related incident report.
- B. The report of the responding staff member is processed by the principal or vice-principal.
- C. Notify the senior administrator on duty.
- D. Alert other staff and provide for increased supervision as appropriate.
- E. Keep the victim, the victim's family and community organizations expressing concern informed of the response being taken.
- F. Provide reports to the Superintendent and appropriate public agencies, including the county agency responsible for collecting data.
- G. Take appropriate steps to prevent the situation from escalating including, but not limited to:
  - 1. meeting with students, parents, concerned community organizations and others to demonstrate concern and enlist cooperation.
  - 2. meeting with all staff to provide accurate information and to prevent rumors as often as necessary.
  - 3. establishing a protocol for dealing with the media, when appropriate, to ensure accurate information.
- H. Ensure that all physical remains of the incident (e.g. graffiti) are removed after processing is completed.
- I. Identify training needs relative to responding to bias-related incidents

BIAS PREVENTION AND RESPONSE  
INFORMATION SYSTEM PROJECT

Objective

To provide ongoing information to teachers, school administrators and concerned community agencies about programs that promote appreciation for diversity and prevent bias-related incidents in schools.

Steps

1. A survey will be conducted to identify existing school programs that could serve as model strategies for promoting appreciation for diversity and preventing and responding to bias-related incidents on the campus.
2. A monthly newsletter highlighting human relations programs operating within the schools of Contra Costa County will be distributed to all schools and educational groups within the County. Information on model programs will include its purpose and results, and who can be contacted for more information.
3. A resource person, familiar with the model projects will provide consultation and technical assistance to teachers and administrators seeking information to help them address a particular human relations issue.

HATE VIOLENCE VICTIM SUPPORT SYSTEM

The entire hate violence reduction system depends on the willingness of victims to report incidents. Some estimate that only one in ten incidents of hate violence are reported. There are several reasons for under-reporting:

- fear of police and other official agencies;
- fear of reprisal and the belief that bringing attention to oneself as a victim will lead to further attacks;
- fear of acknowledging membership in a group that is a target of hate violence (gay-lesbian).
- inability to communicate easily in oral English;
- lack of knowledge of where or how to report;
- belief that reporting hate violence is not worthwhile

The hate violence reduction effort in Contra Costa County is centered around the victim and the needs of the victim. The whole effort depends on getting the victim to report hate violence and bias-related incidents. The plan to train agencies and organizations to serve victims of hate violence is believed by the members of the Task Force to be the best design for ensuring that hate violence is reported and the needs of victims responded to appropriately. Contributions to the design of the plan were made by representatives from the Probation Department's Victim Assistance Program, the Crisis Hotline, and organizations representing people who are most frequently victims of hate crime.



Objective

To train 30 agencies consisting of neighborhood watch programs, religious institutions and relevant community agencies to:

- a. maintain a network of staff and volunteers to provide emergency counseling and support to victims of bias-related incidents;
- b. calm community tensions, resolve conflicts, and control rumors;<sup>20</sup>
- c. respond to incidents of harassment and intimidation motivated by bigotry that are referred by law enforcement because of the necessary elements of a "crime".

Steps

1. Select 30 organizations to provide services to victims of hate violence. Criteria for selections will include, but not be limited to:
  - a. the likelihood of a victim of hate violence to seek or accept services from the organization;
  - b. stability of the organization and its level of commitment to meeting the needs of victims of hate violence;
  - c. availability of volunteers or staff during evening hours or weekends;
  - d. location in areas of the county needing hate violence victim support services;
  - e. ability to communicate with victims who speak languages other than English, or who use other methods of communication because of a disability;

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<sup>20</sup> The Contra Costa County Human Relations Commission has received a grant under Garamendi legislation to train community leaders in the assessment, intervention and resolution of bias-related conflict.

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Steps (Continued)

2. The Hate Violence Reduction Task Force will contract for services to supplement existing resources to provide training to staff and volunteers of organizations providing services to victims of hate violence.
3. Victim referrals to community agencies, other than direct contacts, will come from law enforcement, schools, human relations commissions, and the Hate Violence Reduction Center in accord with the protocols included in the hate violence reduction project.
4. The Hate Violence Reduction Center will be responsible for:
  - a. coordinating the training and monitoring the work of the victim support programs;
  - b. serving as the central collection point for data provided by victim support organizations.

HATE VIOLENCE VICTIM ASSISTANCE CURRICULUM

TRAINING MODULES

- A. A half-day curriculum designed for staff and volunteers whose responsibilities will be limited to receiving calls or visits from victims and witnesses of bias related incidents;
- B. A full-day curriculum designed for staff and volunteers whose responsibilities will include serving as a catalyst to identify and access resources to meet the needs of the victim of a bias-related incident.

LEARNING GOAL:

TO PROVIDE VOLUNTEERS AND STAFF OF APPROPRIATE ORGANIZATIONS THE KNOWLEDGE AND SKILLS NECESSARY TO ASSIST VICTIMS OF HATE VIOLENCE.

HALF-DAY FRAMEWORK

Training Objectives:

- 1. The trainee will understand the county hate violence prevention and response system and laws relating to "hate crimes".
- 2. The trainee will demonstrate their skill to de-escalate a caller in crisis.
- 3. The trainee will demonstrate their ability to focus a caller in crisis and obtain the information necessary to complete a report and identify the needs of the victim.
- 4. The trainee will demonstrate their knowledge of the reporting procedures and guidelines relating to confidentiality and follow-up.

FULL-DAY FRAMEWORK

Training Objectives: All of the above and -

- 5. Trainees will demonstrate their ability to identify resources available to meet the needs of victims of hate violence.
- 6. Trainees will demonstrate knowledge of methods to gain the use of resources to meet the needs of victims of hate violence.

7. Trainees will demonstrate their ability to enable a victim of hate violence to understand what they must do to make use of available assistance.
8. Trainees will be able to explain civil and criminal laws and procedures necessary to bring suit against or prosecute perpetrators of hate violence.
9. Trainees will be able to identify law enforcement personnel who have agreed to work with them in their role as a victim support provider.
10. Trainees will be able to identify District Attorney's staff who have agreed to work with them in their role as a victim support provider.
11. Trainees will be able to identify local school personnel who have agreed to work with them in their role as a victim support provider.

CURRICULUM:

All Participants

- A. Autobiographical introduction relating to interest in providing assistance to victims of hate violence.
- B. Introduction to training:
  - 1. learning goal and training objectives
  - 2. definition of terms, i.e. "hate violence"
  - 3. multi-media (video, news clips) presentation on impact of hate violence on county
  - 4. expectations of trainees during sessions
  - 5. discussion/reaction/questions
- C. Where do you fit in? The County Hate Violence Reduction Plan and Applicable Laws
- D. The Nature of the Calls
- E. Introspection - coming to terms with the challenges and stresses of being a provider of victim support
- F. Communication Skills
  - 1. De-escalation of a victim or witness (role play)
  - 2. Active listening - clarifying and validation (interactive interview with another trainee about a crisis)
  - 3. Focusing a caller in crisis (role play)
  - 4. Discussion

BREAK

- G. Reporting Procedures (The County hate violence system and civil and criminal laws)
  - 1. What you should report and how
  - 2. What the caller should report, how and to whom
  - 3. Confidentiality
  - 4. Follow-up

H. Half-Day Exercise

- A. Receive a call
- B. Complete a report
- C. Describe the procedure
- D. Discussion

HALF-DAY CURRICULUM COMPLETED FULL-DAY CURRICULUM CONTINUES

I. Presentations by resource agencies of their availability and access requirements.

- 1. criminal justice
  - a. police
  - b. district attorney
  - c. victim/witness program
- 2. private attorneys
- 3. schools
- 4. health
  - a. emergency medical assistance
  - b. mental health
- 5. emergency aid and shelter
- 6. community support
  - a. churches
  - b. community based organizations
  - c. public agencies

J. Report Analysis and Action Plan Exercise

- 1. Trainees review their half-day exercise and list the steps they would take to ensure the victim received the appropriate resources.

2. Incident reports and lists are discussed in small groups  
(2-4)
  3. Class discussion
- K. Training Evaluation



LIVING ROOM DIALOGUES PROJECTObjective

To involve a cross-section of 1,000 diverse people in Contra Costa County in "living room" dialogues where they can communicate openly about differences, and negative stereotypes can be challenged in a non-confrontational manner.

Steps

1. The Hate Violence Reduction Task Force will contract for services to plan and facilitate 100 "living room dialogues" in homes of Contra Costa County residents. The dialogues will bring people together from different racial, ethnic, religious and economic backgrounds to share information about the backgrounds, lifestyles and aspirations of the participants with the objective of enhancing communication to break down uninformed stereotypes. Services contracted for will include:
  - a. the training of volunteer facilitators
  - b. planning the logistics involved in hosting the dialogues
  - c. publicity
  - d. the formation of an evaluation process
  - e. overall coordination of the activities.
2. The Hate Violence Reduction Task Force will identify homes where the dialogues can occur and will help recruit participants.

**CONTRA COSTA COUNTY DISTRICT ATTORNEY**

**HATE CRIME PROCEDURES**

*nd*

# Office of District Attorney

Court House, Fourth Floor  
P.O. Box 670  
Martinez, California 94553  
(415) 372-4500

Contra  
Costa  
County

APPENDIX M-1

Gary T. Yancey  
District Attorney



November 9, 1988

Fred Persily  
Executive Director  
Contra Costa Human Relations Commission  
651 Pine Street  
Martinez, CA 94553

Dear Fred:

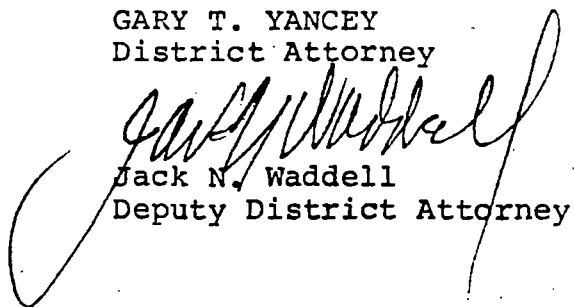
Enclosed is the Contra Costa County District Attorney's procedure and protocol for handling crimes involving hate violence. I believe this will mesh well with comparable policies from the various law enforcement agencies in our county.

The two important features of this plan are procedures for informing the District Attorney and involving him in the decision making process and the use of the strategy of vertical prosecution to ensure continuity in the handling of the case.

I will distribute copies to other members of our committee at the next meeting.

Sincerely,

GARY T. YANCEY  
District Attorney

  
Jack N. Waddell  
Deputy District Attorney

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# Office of District Attorney

Court House, Fourth Floor  
P.O. Box 670  
Martinez, California 94553-0150  
(415) 646-4500

# Contra Costa County



Gary T. Yancey  
District Attorney  
**APPENDIX M-1**

## **RESPONSE TO RACIAL, RELIGIOUS, ETHNIC, AND SEXUAL ORIENTATION COMPLAINTS**

### **A. POLICY**

1. It is the policy of the Contra Costa County District Attorney to ensure that rights guaranteed by State laws and the United States Constitution are protected for all people regardless of their race, color, ethnic background, religion, or sexual orientation. When such rights are infringed upon by violence, intimidation, or other harassment, the Department shall take all available steps to identify responsables and bring them to justice.
2. All criminal offenses of violence, intimidation, or harassment based on racial, religious, ethnic background, or sexual orientation shall be viewed as serious, and prosecution shall be considered a high priority. Such acts tend to generate fear and concern among victims and the public. They have a potential for recurrence and escalating to the point of counterviolence.

### **B. DEFINITIONS**

1. R/R/E/S - Refers to race, religion, ethnic background, and sexual orientation.
2. R/R/E/S crimes are acts or attempts to cause physical injury, emotional suffering, or property damage, which is or appears to be motivated, all or in part, by race, ethnic background, religion, and/or sexual orientation.
3. R/R/E/S crimes are defined in Penal Code Sections 422.6 through 422.9 which are summarized as follows:
  - 422.6a Subdivision (a) of Section 422.6 generally makes it unlawful to interfere, by force or threat of force, with another person's free exercise of state or federal constitutional or statutory rights because of that person's race, color, religion, ancestry, national origin, or sexual orientation. A violation of this subdivision cannot be based on speech alone, unless the speech itself threatened violence against a specific person or group of persons and the defendant had the apparent ability to carry out the threat. [Penal Code Section 422.6, subd. (c).]

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422.6b Subdivision (b) of Section 422.6 generally makes it unlawful to deface or damage another person's property because of that person's race, color, religion, ancestry, national origin, or sexual orientation.

Violation of subdivision (a) or (b) is a misdemeanor punishable by a fine of up to \$5,000, imprisonment in county jail for up to six (6) months, or both. [Penal Code Section 422.6, subd. (c).]

422.7 Penal Code Section 422.7 is a provision which, under certain circumstances, permits crimes which are presently misdemeanors to be charged as felonies if the crime was motivated by bigotry. This "wobbler" provision applies in any one of the following cases: (1) the crime was committed against the person of another and either included the present ability to commit violent injury, or caused actual physical injury; (2) the crime was committed against the property of another and caused damage in excess of \$1,000; or (3) the defendant has previously been convicted of violating Penal Code Section 422.6, discussed above, or of a conspiracy to violate that section.

If any of these conditions are met, then a crime which would otherwise be a misdemeanor becomes a "wobbler," if the crime was committed against the person or property of another, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation, and for the purpose of interfering with the other person's state or federal constitutional or statutory rights. Felony arrest powers would apply in a case where an officer has reasonable cause to believe that a felony has been committed under this section [Penal Code Section 836, subd. (3).]

#### C. PROCEDURE

1. All cases involving possible R/R/E/S crimes shall be submitted to the FELONY FILING DESK of the appropriate branch of the District Attorney's Office. The normal appointment procedure shall be followed.
2. The Bane Civil Rights Act has both a civil and a criminal component. the civil provisions, found at Civil Code Section 52.1, permit the Attorney General, district or city attorneys, or a victim, to seek an injunction against threatened violent interference with state or federal constitutional or statutory rights.

The District Attorney will not accept cases for civil action.

Victims of all R/R/E/S incidents which cannot be criminally prosecuted but which may be actionable under Section 52.1 of the

Civil Code should be referred to the private bar or the Attorney General.

3. Orders issued under Civil Code Section 52.1 are enforced by local law enforcement agencies, much like restraining orders in domestic relations cases. [Civil Code Section 52.1, subd. (e); Penal Code Section 422.9, subd. (c).]

Willful violation of an order issued under Civil Code Section 52.1 is a misdemeanor, punishable by a fine of up to \$1,000, imprisonment in county jail for up to six (6) months, or both. [Penal Code Section 422.9, subd. (a).] However, a person who has previously been convicted of violating such an order is subject to imprisonment in county jail for up to one (1) year. [Penal Code Section 422.9, subd. (b).]

#### D. RESPONSIBILITIES

##### 1. Senior Deputy District Attorney

- a. Advise the District Attorney immediately of all R/R/E/S cases brought to his attention;
- b. Participate with the felony filing attorney in filing conference and advise District Attorney of proposed decision (whether or not to issue a complaint);
- c. Assign case to staff attorney for vertical prosecution;
- d. Submit suggested press release to the District Attorney for approval;
- e. Advise the District Attorney of any community leaders or victim support groups who have expressed an interest in the development of the case.

##### 2. Felony Filing Attorney

- a. Notify the Senior Deputy District Attorney in charge of the branch of any R/R/E/S case brought to the office for potential prosecution;
- b. Make filing decision and complete investigation request to local police agency when necessary. See Appendix A to aid in decision-making process;
- c. Use felony filing forms in Appendix B 1-3;
- d. Consider the applicability of additional codes, e.g.:  
 PC 11411 Terrorism: Burning or desecration of religious symbols; placement or display of physical impressions;

PC 11412 Threats obstructing exercise of religion;

PC 11413 Terrorism: Use of destructive device, explosive or commission of arson; places of worship, places or meetings involving abortion;

- e. Assign investigative follow-up duties to District Attorney Investigator;
- f. Prepare written "Decision Not to Issue" form explaining any decision why case cannot be prosecuted and forward copy to local chief of police and District Attorney;
- g. Make bail recommendations and file PC 1269 form, if appropriate.

3. Assigned Attorney

- a. Review all investigation reports and prepare supplemental investigation requests;
- b. Appear at bail study when necessary;
- c. Contact victim within five (5) days of filing to establish rapport and assess victim needs;
- d. Appear at all significant stages of the proceedings, including bail study, preliminary hearing, readiness conferences, trial, motions, and sentencing;
- e. Do not enter into a negotiated disposition of any R/R/E/S case without the express approval of the Senior Deputy District Attorney in charge or the District Attorney;
- f. File statement of aggravation in all sentencing hearings; include the following when applicable:

PC 1170.75 Felony attempted or committed because of victim's race, color, religion, nationality, or country of origin: aggravation of time

PC 1170.8 Arson, robbery, or assault in places of worship: aggravation of time

PC 422.7  
CIVIL RIGHTS VIOLATION

SEV:

FORM: 0 ENHANCEMENT

ENHANCEMENT  
CIVIL RIGHTS VIOLATION

- It is further alleged, pursuant to PENAL CODE SECTION 422.7, that the defendant
- 1 #NAME
- , committed the above offense against the person or
- 2 property of
- #NAME OF VICTIM
- , for the purpose of intimidating or interfering with the
- 3 free exercise of his/her constitutional rights because of
- #RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL
- ORIENTATION. \*

- It is further alleged that the offense was committed under the following circumstances:
- 4 #IT WAS A CRIME AGAINST THE PERSON OF ANOTHER, AND THE
- DEFENDANT DID CAUSE OF HAVE PRESENT ABILITY TO INFLICT
- PHYSICAL INJURY ON VICTIM./ THERE WAS PROPERTY DAMAGE,
- IN EXCESS OF \$1,000 TO VICTIM./ BEFORE THE COMMISSION OF
- THIS OFFENSE, THE DEFENDANT ON (DATE), IN (COURT),
- DID COMMIT THE OFFENSE AND WAS CONVICTED OF A VIOLATION OF
- SUBSECTION A OR B PENAL CODE SECTION 422.6.

\* Choose one or more if applicable

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**APPENDIX N**

**Testimony of**

**Eugene S. Mornell, Executive Director  
Los Angeles County Commission on Human Relations**

**Before the**

**Attorney General's Commission on  
Racial, Ethnic, Religious and Minority Violence  
June 30, 1989**

Since 1980 the Los Angeles County Commission on Human Relations has been monitoring and responding to incidents of racially and religiously motivated vandalism and violence in Los Angeles County.

We are not aware of any other agency in California, or the nation, that systematically gathers data, investigates individual cases, provides service to victims, develops preventive programs and reports regularly on what have now come to be known as "hate crimes."

I am leaving with you a copy of our most recent report, a 31-page summary of hate crime in Los Angeles County in 1988, which describes our highest level of activity in nine years: 95 racial incidents, 111 religious incidents and 61 incidents based on sexual orientation. (This was our first full year of reporting on crimes against Gays and Lesbians.)

These incidents included graffiti, disruption of religious services, vandalism, cross-burnings, arson, gunshots at persons and property and physical assaults, which accounted for almost 25 percent of the racial crimes and 64 percent of the crimes based on sexual orientation, the highest level of crimes against persons we have ever reported.

The report covers data collection, definitions of hate crime, non-criminal acts, hate group activity, perpetrators, reaction by public officials and the community, legislation and the Commission's own work.

Each of the 267 incidents documented in 1988 is summarized in the appendices of the report.

In the limited time available this morning, I do not want to cover what you will find in the report, but instead I want to mention briefly several key issues:

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1. Hate crime is the tip of an iceberg, and it reflects the greater level of prejudice, discrimination, anger and intergroup tension that generally remains below the surface of public awareness.

People who commit hate crimes, which we define very specifically in terms of law violations, are acting out the feelings of a larger group.

2. Hate crime is under reported, especially among Latinos, Asians, Arabs and other immigrant and refugee groups who are often unfamiliar with American law, fearful of the police, less proficient in English and faced with a variety of cultural barriers.

3. Although we have seen a larger number of different racial and religious groups affected by hate crime in the recent years, Blacks and Jews, the traditional victims of bigotry, continue to be the primary targets.

4. Most perpetrators of hate crime are not apprehended, and it is therefore difficult to suggest that most are Ku Klux Klan members, neo-Nazis, "skin-heads," or members of other hate groups.

In 1987, for example, we had the largest number of arrests for hate crime ever: 15 adults and 13 juveniles were arrested in connection with 31 crimes, out of 194 crimes documented. We are able to link only a few of these perpetrators to hate groups.

Although we reported an increase in hate group demonstrations and other non-criminal activity in 1987, which activity was down in 1988 and hate group membership seems to be at a low point nationally, primarily because of Federal prosecution. On the other hand, "skinhead" activity now seems to be rising, as does the general level of bigotry. Additionally, some hate groups are actively recruiting "skinheads" in an effort to expand their membership.

## APPENDIX N

Media attention to hate groups, however, such as the recent appearances of David Duke and Tom and John Metzger on the Phil Donahue and Oprah Winfrey television shows, and regular news coverage of hate group meetings, has served to give these groups unprecedented publicity and intensify community tension.

5. We have received forceful and unanimous support from the Los Angeles County Board of Supervisors for our Commission's recommendations regarding hate crime: public condemnation of bigotry, vigorous prosecution and increased penalties for perpetrators of hate crime, and improved coordination among the 50 law enforcement agencies in the County.

Last year a County Hate Crime Task Force, appointed by the Board of Supervisors and chaired by our Commission, consisting of representatives from law enforcement and related public agencies, issued a suggested policy and procedures statement on hate crime. It was disseminated to all police departments in the County by the Board of Supervisors, and I am also leaving a copy of this statement with you.

6. Let me mention several other Commission activities related to hate crime. Our Commission has developed, and now staffs, a Network Against Hate Crime, consisting of racial, ethnic and religious community groups, fair housing councils and other organizations. The goals of the Network are to improve data collection, provide assistance to victims and initiate preventive programs.

We have also developed a number of community coalitions to work on other aspects of intergroup tension, including a Latino-black Roundtable and a Black-Korean Alliance.

The Commission is very much involved with "A World of Difference," an anti-Defamation League of B'nai B'rith program that originated in Boston and began in Southern California in January of this year. This extensive effort, which is being supported by KCBS and the Los Angeles Times, aims at the reduction of racial, ethnic and religious prejudice in our community.

## APPENDIX N

7. We have just received the data from a school hate crime survey, jointly conducted with the Los Angeles County Office of Education and sent to all 1,500 public schools in the County. So far as we know, this is the most comprehensive school hate crime survey ever conducted in the United States. We expect to release a report on the survey this fall.

In conclusion, let me respond to the questions in your letter of invitation to this hearing.

We strongly support the recent amendment of the Ralph Civil Rights Act and establishment of the Bane Civil Rights Act, strengthening relief available for victims of hate crime. However, since only 16 percent of hate crime perpetrators were apprehended in our best year, it is realistic to assume that the effect of these laws will be limited.

The greatest need at this time is for greater awareness of hate crime on the part of law enforcement, including adoption of specific hate crime policies and procedures, and for a higher rate of apprehension and prosecution of hate crime perpetrators. Law enforcement sensitivity and diligence in connection with "Gay bashing" is particularly critical.

In addition, for several years we have strongly urged that there be mandatory reporting of hate crime by all law enforcement agencies in the State.

Based on a preliminary assessment of the data collected in our school hate crime survey, it is likely that we will call for the establishment of some mechanism to systematically track such incidents in primary and secondary schools, as well as suggest preventive action. Specific recommendations will be forthcoming in our report.

Thank you for this opportunity to appear before you, and thank you for holding this hearing.

**APPENDIX O**

**HATE CRIME IN LOS ANGELES COUNTY 1988\***

A Report to the Los Angeles County Board of Supervisors

February 1989

\* For complete copy of report, contact:

Los Angeles County Commission on Human Relations  
320 West Temple Street,  
Suite 1184  
Los Angeles, California 90012

**STOP PROGRAM  
MONTGOMERY COUNTY GOVERNMENT  
HUMAN RELATIONS COMMISSION**

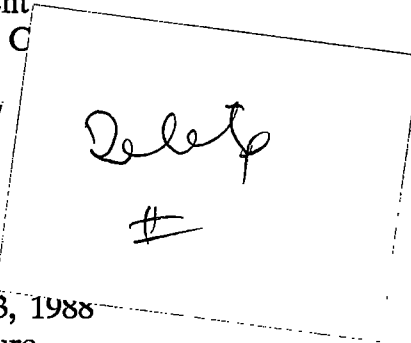
The Stop program educates juvenile perpetrators of hate violence about the impact of their behavior on victims and the entire community.

The program was started in 1982 by the Office of the Human Relations Commission at the request of the Montgomery County Criminal Justice Commission for first offenders instead of sending them through the court system. The courts and police departments refer juveniles to STOP in addition to other penalties.

The program requires that juvenile perpetrators and their parents attend five two-and-a-half hour sessions, and juveniles are also required to perform 40 hours of community service. In November, 1988, the program expanded to include repeat juvenile offenders.\*

For more information, contact:

Elyse Rothschild  
Community Relations Specialist  
Montgomery County Government  
Office of the Human Relations C  
164 Rollins Avenue  
Rockville, Maryland 20852-4067  
Phone: (301) 468-4260



\*SOURCE: Montgomery County C  
News Release, November 3, 1988  
and STOP Program literature



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## **APPENDIX Q**

### **Excerpts, California Department of Education History/Social Science and English/Dramatic Arts Framework Objectives**



**BACKGROUND**

The Education sub-committee of the Hate/Violence Reduction Task Force has met a number of times to discuss the role of the schools in efforts to reduce hate/violence incidents. Representatives from Martinez, Acalanes, San Ramon, Richmond and Mt. Diablo participated in the meetings. All were in agreement that:

1. State frameworks, county guides and district courses of study reflect clear objectives related to this issue. No new curricula need to be developed. Rather, existing documents should be examined to identify those basic objectives which must be emphasized in each district. (This task was completed by three members of the larger committee.) All committee members agree that a rich program includes lessons related to unlearning prejudice and appreciating diversity. New activity programs such as the World of Difference project will enhance what is currently in place.

2. Staff development is needed to provide training for teachers in dealing with sensitive issues related to the specific curricula, and for all school staff in dealing appropriately with the living curricula related to hate/violence and human relations which presents itself in formal and informal settings throughout the day. Staff needs include development response systems for detecting, reporting, intervention and victim support when a hate/violence incident occurs.

The State Department of Education provides a framework for each of the major disciplines. Each district develops courses of study reflective of these frameworks.

The Committee recommends that each district examine its curricula to determine that major objectives related to the reduction of hate/violence are prominent in their documents.

Districts will emphasize to teachers the importance of stressing these goals and objectives in their classroom activities. In service programs will be provided for school site staffs on both the effective delivery of the curriculum and the handling of unusual situations.

## HISTORY-SOCIAL SCIENCE FRAMEWORK

I. The goal of knowledge and cultural understanding is pursued by developing students' literacy in history and other humanities (including ethics), geography, economics, sociology and political science. Certain essential learnings are integral to the development of each of these literacy strands.

A. Historical Literacy

Develop a sense of historical empathy. (In every age, knowledge of the humanities helps develop a keen sense of historical empathy by allowing students to see through the eyes of the people who were there.)

Understand the importance of religion, philosophy and other major belief systems in history. (By understanding a people's religion, philosophy, folkways and traditions, students gain an understanding of a culture's ethical and moral commitments.)

B. Ethical Literacy

Recognize the sanctity of life and the dignity of the individual.

Understand the ways in which different societies have tried to resolve ethical issues.

Understand that the ideas people profess, affect their behavior.

Realize that concern for ethics and human rights is universal and represents the aspirations of men and women in every time and place.

C. Cultural Literacy

Understand the rich, complex nature of a given culture. Learn about mythology, legends, values and beliefs of a people.

## APPENDIX Q

Develop a multicultural perspective that respects the dignity and worth of all people.

### D. Socio-political Literacy

Understand the close relationship between social and political systems.

Understand the close relationship between society and the law.

Understand comparative political systems.

II. The curricular goal of democratic understanding and civic values is centered on essential understanding of the nation's identity and constitutional heritage; the civic values that undergird the nation's constitutional order and promote cohesion across all groups in a pluralistic society; and the rights and responsibilities of all citizens.

### A. National Identity

Recognize that American society is now and always has been pluralistic and multicultural.

Understand the American creed as an ideology extolling equality and freedom.

Recognize the status of minorities and women in different times in American history.

Understand the unique experience of immigrants from Asia, the Pacific Island and Latin America.

Understand the special role of the United States in world history as a nation of immigrants.

Understand the special role of the United States in world history as a nation of immigrants.

Realize that true patriotism celebrates the moral force of the American ideas a nation that unites as one people the

## APPENDIX Q

descendants of many cultures, races, religions and ethnic groups.

### B. Constitutional Heritage

Understand the basic principles of democracy.

Understand the historical origins of basic constitutional concepts.

### C. Civic Values, Rights and Responsibilities

Understand what is required of citizens in a democracy.

Understand individual responsibilities for the democratic system.

## ENGLISH-LANGUAGE ARTS FRAMEWORK

### I. Each student will have opportunities to:

Develop a clearly communicated sense of common values and common goals that respect diversity.

Develop a solid body of knowledge derived from a common cultural heritage.

Experience confronting important human issues and conflicts.

Develop a strong sense of values including personal, social and aesthetic values.

Prepare to function as informed and effective citizens in our democratic society.

Experience a literature-based program that encourages reading and exposes all students, including those whose primary language is not English, significant literary works.

Experience instructional programs that guide all students

## APPENDIX Q

through a range of thinking processes as they study content and focus on aesthetic, ethical and cultural issues.

Experience literature which reminds us of the best in human character, the most admirable human character, the most articulate human speech, whether those thoughts and feelings come from ancient Greece or modern Japan, from puritan New England or tribal Africa, from Renaissance England or contemporary Mexico.

Capture the breadth of human experience through a strong literature program which offers the language and literature of many nations and perspectives of racially, ethnically and culturally diverse societies; and of poems and narrations, fables and legends, and stories and plays.

Establish a climate for learning, respecting languages and dialects that are linguistically different from standard English.

Recognize the importance of minority languages and cultures in preventing alienation and inhibitions about language that prevent learning.

### VISUAL AND PERFORMING ARTS

#### A. Aesthetic Perception

Through increased perception students are sensitized to the individual and to the world through increased aesthetic perception. Students respond to the elements of an object or event and to express and appreciate it in greater depth.

#### B. Arts Heritage

Through knowledge of the artistic accomplishments of the great cultures of the world, students see the places of the arts in relation to those cultures and to grasp the relevance of the arts in contemporary society. Through knowledge of the arts of various cultures, past and present, students gain appreciation and understanding of these cultures and of their heritage.

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### C. Dance

Through dance education students understand and appreciate one's own culture and the cultures of others.

Through dance education students understand similarities and differences among races, religions and cultural traditions.

Students will recognize dance as a universal language in world cultures, will articulate the historical rules of dance in relation to social, ritual and performance contexts.

### D. Drama/Theater

Through experiences in drama students will be able to recognize major themes, historical periods and cultural backgrounds.

Students will recognize the importance of today's theater as a means of understanding and appreciating cultural differences.

### E. Music

Through the study of the music of the world and of historical periods and styles, students will recognize the relationships between music and the lives of people.

Students will recognize the uniqueness of each cultural heritage as well as the similarities to our own culture.

Students will recognize that different cultures express their beliefs, values, goals, rituals and customs in unique art forms.

Students will recognize that the visual arts of cultures from which this society emerged are relevant to our current life because they are links to our origins, guideposts to our future and starting points for new ideas.

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## **INTERGROUP CONFLICT IN LOS ANGELES COUNTY SCHOOLS\***

Report on a Survey of Hate Crime

October 1989

\* For complete copy of report, contact:

Los Angeles County Commission on Human Relations  
320 West Temple Street, Suite 1184  
Los Angeles, California 90012



**California Penal Code § 628**

**CHAPTER 1.2 REPORTING OF SCHOOL CRIME**

§ 628. (Legislative Intent)

It is the intent of the Legislature in enacting this section to ensure that schools, school districts, local government, and the Legislature have sufficient data and information about the type and frequency of crime occurring on school campuses to permit development of effective programs and techniques to combat crime on school campuses.

§ 628.1. (Development of reporting form; Contents)

By June 30, 1985, the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts which currently compile school crime statistics, shall develop a standard school crime reporting form for use by all school districts throughout the state. No individual shall be identified by name or in any other manner on this reporting form. The form shall define what constitutes the criminal activity required to be reported and shall include, but not be limited to, all of the following:

- (a) Description of the crime.
- (b) Victim characteristics.
- (c) Offender characteristics, if known.
- (d) Total students enrolled at the school reporting the crime on November 15 for the first reporting period and April 15 for the second reporting period.

§ 628.2.

On forms prepared and supplied by the State Department of Education, each principal of a school in a school district and each principal or director of a county-operated program, site, or school under the jurisdiction of the county superintendent of schools shall forward a completed report of crimes committed thereon at the end of each

## APPENDIX S

reporting period to the district superintendent or county superintendent of schools.

The district superintendent or, as appropriate, the county superintendent of schools, shall compile the school data and submit the aggregated data to the State Department of Education not later than February 1 for the reporting period of July 1 through December 31, and not later than August 1 for the reporting period January 1 through June 30.

The superintendent of any school district that maintains a police department pursuant to Section 39670 may direct the chief of police or other administrator of that department to prepare the completed report of crimes for one or more schools in the district, to compile the school data for the district, and to submit the aggregated data to the State Department of Education in accordance with this section. If the chief of police or other designated administrator completes the report of crimes, the chief of police or designated administrator shall provide information to each school principal about the school crime reporting program, provide information to each school principal about the school crime reporting program, the crime descriptions included in the reporting program, and validation criteria identified by the State Department of Education for each crime description.

The State Department of Education shall distribute, upon request, to each office of the county superintendent of schools and each county probation department, a summary of that county's district reports, county reports, and the summary of statewide aggregated data. This information shall be supplied not later than March 1 of each year for the previous school year. In addition, commencing with the second annual report, the department shall also identify trends in school crime by comparing the numbers and rates of crimes and the resulting economic losses for each year against those of the previous year and the baseline reporting year.

All school district, county, and statewide reports prepared under this chapter shall be deemed public documents and shall be made available to the public at a price not to exceed the actual cost of duplication and distribution.

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### § 628.4.

By June 30, 1991, the State Department of Education shall publish and distribute to all school districts and county offices of education an annual school crime reporting update that describes typical errors in school crime reporting procedures, describes effective and efficient methods of monitoring and reporting school crime data, and identifies trends in school crime drawn from the annual school crime report submitted to the Legislature.

### 628.5.

The Legislature hereby recognizes that all pupils enrolled in California public schools have the inalienable right to attend classes on campuses that are safe, secure, and peaceful. The Legislature also recognizes the importance of accurate school crime data in development and implementing school safety strategies and programs.

By June 30, 1990, the State Department of Education, in consultation with school districts and county offices of education, shall identify criteria for validating the reported incidence of each crime description contained on the standard school crime reporting forms prepared pursuant to Sections 628.1 and 628.2. Validation criteria shall be established for each crime description, that include, but shall not be limited to, all of the following: assault, battery, assault with a deadly weapon, unlawful fighting, homicide, sex offenses, robbery, extortion, chemical substance offenses, possession of weapons, destructive devices, arson, burglary, theft, and vandalism. By January 1, 1991, the State Department of Education shall pilot test the validation criteria in a representative sampling of school districts and county offices of education.

### § 628.6

Beginning July 1, 1991, the State Department of Education shall use tested validation criteria in a representative sample of school districts and county offices of education to assess the accuracy of school crime data submitted to it by those agencies.

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The State Department of Education shall inform school districts and county offices of education of the validation criteria for the crime description included on the standard school crime reporting forms specified in Section 628.1. Each district and county office of education shall in turn notify their respective schools, programs, and sites of the validation criteria.

**POST-SECONDARY HATE VIOLENCE  
RESPONSE CHECKLIST**

**Fred Persily, June, 1989**

**ELEMENTS NEEDED TO PREVENT AND RESPOND TO BIAS  
RELATED INCIDENTS**

1. An ongoing process for encouraging victims of bigotry to report incidents and a simple well publicized process for making reports.
2. Uniform reporting forms used by campus organizations (including campus police) designated to receive complaints of bigotry, and a protocol for funneling reports into a campus repository for analysis.
3. A procedure for ensuring immediate victim support and protection.
4. A response plan that goes beyond apprehension of the perpetrators to include strategies to prevent recurrence.
5. Contingency plans to prevent the escalation of incidents into broader campus conflict.
6. A monitoring and assessment process designed to identify precursors of hate violence and provide recommendations to prevent potential flare-ups.
7. Creation and support of ongoing programs designed to promote understanding and prevent conflicts among the diverse populations on the campus.
8. Ongoing training of relevant campus staff (including campus police) and student organization representatives to enable them to carry out their responsibility for preventing or responding to hate violence.

**CAMPUS HATE VIOLENCE REDUCTION CHECKLIST**

**PREVENTION**

- I. Recruitment materials reflect philosophy of appreciation for diversity and pluralism.
- II. Orientation includes commitment to diversity and importance of reporting and responding to bias-related incidents.
- III. Greek, dormitory and other campus living units include written material on commitment to diversity and system for reporting and responding to bias-related incidents.
- IV. Permanent posters on campus response system placed in conspicuous areas, e.g. student union, bookstore, administration building encouraging reporting of bias-related incidents.
- V. Student conflict prevention programs, i.e. community boards for campus approved living units.
- VI. Courses on unlearning prejudice and methods for preventing bigotry.

**RESPONSE**

- I. Campus Police
  - A. Policies and procedures for responding to hate violence;
  - B. Training on implementation of policies and procedures;
  - C. Procedures to include notification of administration and referral to resources for victim support.

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### II. Campus Organizations and counselors

- A. Training in responding to victim needs.
- B. Policies and procedures for working with campus officials in easing campus tensions.
- C. Reporting procedures.

### III. Campus Officials

- A. Establish and maintain central depository for reports of bias-related incidents.
- B. Appoint committees or commissions to assess campus climate, review incident reports, and identify potential problems when action can still be taken to prevent incidents.
- C. Design and implement rumor control protocol in coordination with the faculty and classified office staff.
- D. Trained in crisis intervention and conflict resolution.
- E. Design crisis response procedures in collaboration with campus organizations to ease tensions and deal with media.

**Testimony of**  
**Carlotta Mellon, Special Assistant to the Chancellor**  
**University of California, Los Angeles**  
**Before the**  
**Attorney General's Commission on Racial, Ethnic,**  
**Religious and Minority Violence**  
**June 30, 1989 Hearing**

UCLA condemns acts of "hate violence" and shares that Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence's concern for minimizing such occurrences. Like college campuses across the nation, UCLA has experienced incidents of harassment and intimidation. During the past few years, it has taken a number of steps to create a climate on campus in which differences based on race, ethnicity, gender, physical capacity, religion, and sexual orientation are not barely tolerated or understood, but valued. This is particularly important to UCLA since as a result of twenty years of student affirmative action, it has the most ethnically mixed and culturally diverse student population of universities in the United States. Today ethnic minority students make up more than 40 percent of undergraduates and more than half of the new freshman.

Over the last year, under the leadership of the Student Affairs department, UCLA has developed a strategic plan to minimize tensions that had developed between various racial and ethnic groups and to foster mutual understanding and appreciation. Employing administrative, academic, political, community and human resource strategies, this "Campus Community Development" plan takes a comprehensive approach to creating a pluralistic campus community. The plan is an evolutionary one in which a number of students, faculty and staff have been involved. We believe it can be a model for other universities. A copy of it is attached to this statement.

Within a strategic framework, a number of actions have been taken to enhance intergroup relationships. They include:



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1. The development and issuance of interim harassment policies and procedures (see the attached "UCLA Interim Student Conduct Policies and Student Discipline Procedures In Cases of Harassment, Sexual Harassment, Exploitation or Intimidation"). Procedures included the establishment of harassment information centers for the reporting and informal resolution of complaints. Announcements in the campus newspapers and in-service training by the Dean of Students' Office for Faculty, staff and student groups have brought the policies and procedures to the attention of the campus community. Recently, UCLA's Interim Policies and Procedures were reviewed favorably by the Office of the President.

In addition to establishing its own policies and procedures, UCLA requested and the Office of the President has appointed a system-wide advisory task force to review the University of California Policies Applying to Campus Activities, Organizations, and Students.

2. To help foster positive relationships among various groups, Student Affairs organized a retreat in the Fall Quarter 1988 for the undergraduate student council and members of special interest groups and special interest papers. The Chancellor and other top administrators, faculty and staff also participated in the retreat. Follow-up included skills building sessions.
3. Through a variety of written and oral statements, including his speech at Freshman Convocation, a statement published in all campus newspapers at the beginning of Spring Quarter 1989, and a letter to new students, the Chancellor has communicated the value the campus places on diversity and pluralism and the unacceptability of intolerance, insensitivity and harassment.
4. A number of multicultural programs in residence halls and other campus venues, including a week-long "Word Fest" (see attached brochure) and a multi-ethnic "Freedom Seder".

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5. Educating members of the campus community to understand and value persons whose race, ethnicity, gender, physical capacity, religious beliefs, or sexual orientation is different from their own. Efforts include a diversity workshop series by Student Affairs entitled "Let's Be Different Together" (see attached brochure and Spring 1989 workshop booklet), the development of a similar program by Facilities Management (in process), the development of a Staff Affirmative of a model program that can be adapted by all units on campus (in process), and training for orientation counselors, Academic Advancement Program staff and counselors, and residence halls staff and counselors. The campus has sought the assistance of community groups with expertise in multicultural awareness training.
6. The establishment of a Chancellor's Community Advisory Commission, comprised of noted community leaders representative of the region's diverse population, to serve as a bridge between the campus and the community and to assist the campus in dealing with quality of campus life issues.

The initiatives that UCLA has undertaken are very much in the spirit of SB 1358 (Torres) and are at the forefront of steps being taken by other universities and colleges. Although most of UCLA's actions were taken prior to--or were in process at the time of--the October 4, 1988 hearing on "Racial/Ethnic Tensions on University of California Campuses" of the Senate Special Committee on University of California Admissions (Senator Torres, Chairman), that session enriched its awareness of the racism that exists on campuses and strengthened its resolve to do all it could to minimize harassment. Although it may not be possible to completely eradicate racism or prevent incidents of "hate violence," UCLA believes its efforts will contribute significantly to the creation of a pluralistic community on its campus. We will continually review and refine our programs and develop new initiatives as needed.